

HISTORICAL ARCHITECTURAL REVIEW BOARD AGENDA

General Order of Business

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|---------------------------|-------------------------------|-----------------------|
| 1. Preliminary | 2. Public/Oral Communications | 4. Reports from Staff |
| • Call to Order – 7:00 pm | 3. Scheduled Items | 5. Adjournment |
| • Roll Call | • Public Hearings | |
| • Approval of Minutes | • Preliminary Reviews | |

Project Review Format

The Historical Architectural Review Board (HARB) will follow the following format in conducting project review:

1. Presentation by staff of the project
2. Questions of staff from HARB members
3. Comments from the applicant
4. Questions of applicant from HARB members
5. Public hearing/testimony or questions; response by applicant if appropriate
6. Closing of public hearing
7. Deliberation by HARB
8. Motion and vote

Addressing the Historical Architectural Review Board

Any person may speak on any item under discussion by HARB after receiving recognition by the Chairperson. A speaker sign-in sheet will be available in the meeting room prior to and during the meeting. Staff will notify the Chairperson of the speakers' desire to address HARB. Speakers will be called upon in the order they are listed on the sign-in sheet during the public testimony section of the public hearing for each project.



Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Communications section of the meeting. The Chairperson will limit the length of presentation. California Government Code Section 54954.2(b) prohibits HARB from taking any immediate action on an item which does not appear on the agenda, unless it meets stringent requirements.

Information

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the Planning Department at (510) 494-4440.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the Historical Architectural Review Board less than 72 hours prior to the meeting will be available for public inspection at 39550 Liberty Street during normal business hours, at the time the records are distributed to the Historical Architectural Review Board.

For information on current agenda items please visit our website at: <http://www.fremont.gov/CityHall/BoardsAndCommissions/HistoricalArchitecturalReviewBoard.htm> or contact the Planning Department at (510) 494-4440.

Copies of the agenda and staff reports are available at the Development Services Center, 39550 Liberty Street. Questions may be directed to:

Community Development Department
City of Fremont
39550 Liberty Street
Fremont, CA 94538
(510) 494-4440

Your interest in the conduct of your City's business is appreciated.

Historical Architectural Review Board

David Price – Chairperson
Andrew MacRae – Vice Chairperson
Al Minard
Ed Pentaleri
Robert Tavares

City Staff

Barbara Meerjans, Senior Planner



**AGENDA
HISTORICAL ARCHITECTURAL REVIEW BOARD
CITY OF FREMONT, CALIFORNIA
3300 CAPITOL AVENUE
COUNCIL CHAMBERS**

March 5, 2009

1. PRELIMINARY

- 1.1 CALL TO ORDER**
- 1.2 SALUTE TO THE FLAG**
- 1.3 ROLL CALL**
- 1.3a ELECTION OF OFFICERS FOR 2009**
- 1.4 APPROVAL OF MINUTES** – Regular meeting of December 15, 2008.
- 1.5 DISCLOSURES**

2. CONSENT CALENDAR

NOTICE: ITEMS ON THE PUBLIC HEARING CALENDAR MAY BE MOVED TO THE CONSENT CALENDAR IF NO ONE IS PRESENT TO SPEAK ON THE ITEMS. ALL APPLICANTS AND INTERESTED PERSONS ARE ADVISED TO BE PRESENT AT THE START OF THE MEETING.

3. PUBLIC/ORAL COMMUNICATIONS

4. PUBLIC HEARING ITEMS

Item 1. WASHINGTON DEVELOPMENT – 1845 WASHINGTON BOULEVARD – (PLN2007-00117) – to consider a Planned Unit Development, Vesting Tentative Parcel Map (VTPM-9278), Preliminary Grading Plan, Private Street, and HARB review for three single-family residences and lots on a 0.74 acre parcel located at 1845 Washington Boulevard in the Mission San Jose Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the requirement of the California Environmental Quality Act (CEQA).
Project Planner – Terry Wong, (510) 494-4456, twong@fremont.gov

Recommended Action:	Recommend approval of Planned Unit Development, Vesting Tentative Parcel Map 9278, Private Street, Preliminary Grading Plan, and Subdivision Modification based on findings and subject to conditions of approval.
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- Item 2. G, I & J STREET STREETScape PROJECT – (PLN2009-00120)** – to consider a HARB review for a streetscape improvement of G, I and J Streets in the Niles Planning Area. Improvements include street reconstruction; sidewalk widening; landscape, lighting and furniture installation, and on-street parking reconfiguration. A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act (CEQA).
Project Planner – Momoko Ishijima, (510) 494-4531, mishijima@fremont.gov

Recommended Approve, subject to conditions of approval.
Action:

5. MISCELLANEOUS ITEMS

Information from Board and Staff:

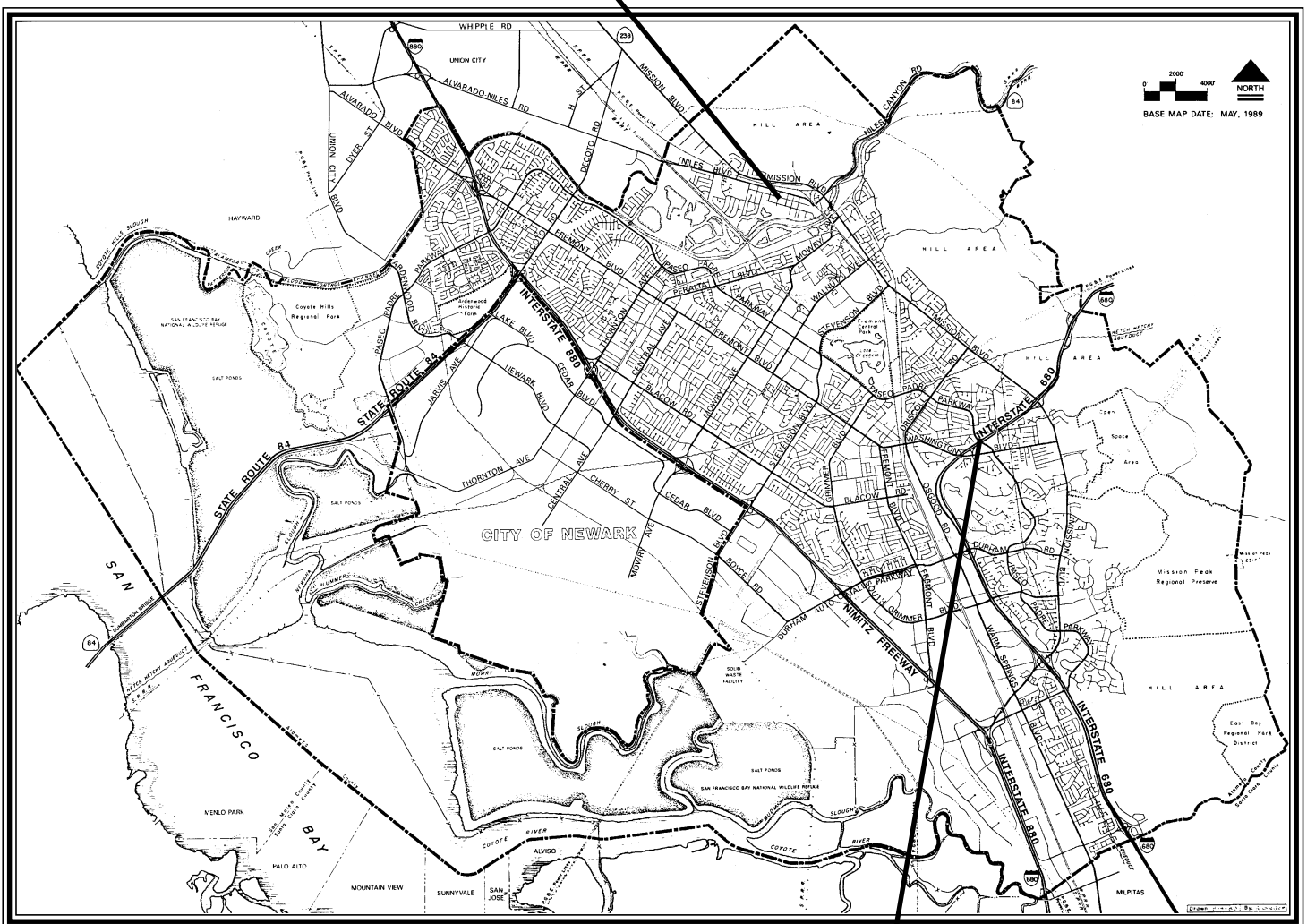
- Information from staff: Staff will report on matters of interest.
- Information from Board: Board members may report on matters of interest.

7. ADJOURNMENT

Proximity Map

This map shows the general location of projects (by file number) which are scheduled for Historical Architectural Review Board consideration.

2) G, I & J Street Streetscape Project PLN2009-00120



1) Washington Development PLN2007-00117

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HARB STAFF REPORT

MARCH 5, 2009

Project:	WASHINGTON DEVELOPMENT – (PLN2007-00117)
Proposal:	To consider a Planned Unit Development, Vesting Tentative Parcel Map 9278, Private Street, Preliminary Grading Plan, and a Modification to Subdivision Regulations to subdivide a 0.74 acre lot into three parcels, and construct three new single-family residences
Recommendation:	Recommend approval of Planned Unit Development, Vesting Tentative Parcel Map 9278, Private Street, Preliminary Grading Plan, and Subdivision Modification based on findings and subject to conditions of approval
Location:	1845 Washington Boulevard in the Mission San Jose Planning Area. APN 513-502-6-8 (See aerial photo next page) (See aerial photo next page)
Area:	0.74-acre lot (32,424 square feet)
People:	Libin and Jennifer Zhang, Applicants/Owners Saeid Razavi SMP, Engineer Terry Wong, Staff Planner (510) 494-4456; twong@fremont.gov
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the California Environmental Quality Act.
General Plan:	Low Density Residential, 5-7 units/acre
Zoning:	Single-Family Residence R-1-X-6.5(HOD)(H-I)

EXECUTIVE SUMMARY:

The project applicants have requested approval of a Planned Unit Development (PUD), Vesting Tentative Parcel Map (VTPM), Private Street, Preliminary Grading Plan, and Modification to Subdivision Regulations to subdivide a 0.74 acre lot into three parcels, construct three new two-story single-family residences, and related streetscape improvements. Because the project is located within an Historic Overlay District (HOD), the Historical Architectural Review Board (HARB) has review authority over the development including site features and streetscape improvements. The proposed project incorporates appropriate architecture, site features, and landscaping. Staff recommends that HARB recommend the Planning Commission approve the proposed project, subject to findings and conditions of approval.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

North: Interstate 680
 South: Neighborhood Commercial shopping center
 East: Single-family residential
 West: Montessori school

BACKGROUND, PREVIOUS ACTIONS, AND SETTING:

There is no planning entitlement history associated with the project site. The site contains a 1,450 square foot one-story, single-family residence built in 1959, and landscaped with ornamental trees and shrubs. Section 8-219116 of the Fremont Municipal Code requires structures at least 50 years old, be evaluated for potential historic significance. The City's historic consultant reviewed the structure and determined that although the house possessed some traditional architectural details found in traditional ranch-style homes, due to the structures overall poor condition house was not historically significant. In November 2007, the City's updated Historic Resources Ordinance became effective. A development project within a Historic Overlay District is to be reviewed by HARB.

PROJECT DESCRIPTION:

The applicant proposes to subdivide a 32,424 square foot lot into three rectangular-shaped parcels with Vesting Tentative Parcel Map, VTPM 9278. Each parcel would take access from a new private street, Mascot Terrace, which will have direct access from Washington Boulevard. The three new parcels are sized as follows: 6,173 square feet (Parcel 1), 6,192 square feet (Parcel 2), and 11,037 (Parcel 3). Each parcel would be developed with a two-story, single-family residence. Parcel 1 would be developed with a home with 2,982 square feet of living space and a 500 square foot garage (total of 3,482 square feet). Parcel 2 would be developed with a home with 2,997 square foot of living space and a 460 sq. ft. garage (total of 3,457 square feet). Parcel 3 would be developed with a home with 3,840 square feet of living space and a 495 square foot garage (total of 4,335 square feet). The existing residence would be demolished as part of this project. The existing trees on the site will be removed and replaced with several 24-inch box specimen trees.

The project applicants have also requested a Planned Unit Development (PUD) and Subdivision Modification for lot configuration and a reduction in landscape planter width along Mascot Terrace. The PUD request is to reduce the required lot area from the minimum required in the R-1-X-6.5 district from 6,500 square feet to 6,173 square feet (5%) for Parcel 1, and from 6,500 square feet to 6,192 square feet (4.7%) for Parcel 2. Parcel 3 exceeds the minimum lot area. The Subdivision Modification request is to reduce the required R-1-X-6.5 district lot width for Parcel 1, from 65 feet to 56 feet (14%). Parcels 2 and 3 exceed the required lot widths. As part of the PUD, the project applicants have provided the defined architectural design for the new residences, as well as streetscape and front yard landscape designs. The architectural theme for the residences is an eclectic mixture of Spanish and California Architecture. Also, as part of the PUD, the applicants have proposed to install integrated solar roof tiles as a source of power to the water heater to reduce the project's carbon footprint and provide an amenity to the project.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Low Density Residential, 5 to 7 units per acre. The proposed project is consistent with the existing General Plan land use designation because it would create three, single-family parcels within the underlying density range, at 5 units per acre. The density will be at the lower end of the General Plan range of 5 to 7 dwelling units per acre, due to site constraints, which is one-unit below the density. The lack of one residential unit does not significantly affect housing production goals. There are three environmental constraints that limit the development potential of the site as follows:

1. The overall width of the site is narrow.
2. The project has steep topography and private creek at the rear of the site (nearest I-680).
3. The development contains a private street that will comprise approximately 20 percent of the project's area.

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

- **Land Use Goal 1** – *New housing development while conserving the character of the City's existing single-family residential neighborhoods.*
- **Land Use Policy 1.1** – *Residential use is the primary use allowed in residentially designated areas. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.*

Analysis: The proposed project would create three new parcels similar in size to other parcels in the surrounding area and with a similar land use designation, and would construct three new single-family residences of a similar height and building area as other residences in the vicinity. Further, the proposed architectural design of the residences is similar to that found in the area.

- **Land Use Policy 6.4** – *Hill Area road standards shall reflect the need to minimize scarring, earth movement and the potential for erosion and ground failure, and respect the natural topography of the area.*

Analysis: The project site is an infill parcel proposed to be developed with three residences. The proposed grading will redistribute the soil on the site and reduce the amount of stormwater runoff that drains to the rear portion of the project site towards a private, seasonal creek. Most of the stormwater runoff will be treated within landscaped portions of the site on the front half of the property. The street improvements would not result in any hillside scarring nor the potential for erosion and ground failure.

- **Housing Goal 2** – *High quality and well-designed new housing of all types throughout the City.*

Analysis: The proposed project would construct three new two-story single-family residences that are well-designed with architecture similar to other residences found in the City. The facades are well-articulated with prominent front porches, first to second story vertical relief, theme-specific shapes (e.g., arched entries, columns) and high quality materials and colors, lighting fixtures, doors and windows, garage doors, and trim detail (e.g., wrought iron balconies, bay windows, stone veneer columns and wainscoting).

Zoning Regulations:

As set forth in Section 8-2601(A) of the Fremont Municipal Code (FMC), single-family residences are allowed in the R-1-X-6.5(HOD)(H-I) district. The R-1-X-6.5 district is similar to the R-1-6 zoning district; however the minimum lot size is 6,500 square feet rather than 6,000 square feet. The setbacks used are those of the R-1-6 Zoning District as well. The applicants have requested a Planned Unit Development to allow minor deviations from the minimum lot area requirement, and a Modification to Subdivision Regulations (FMC 8-1800), to allow a reduction from the minimum lot width requirement. In accordance with FMC Section 8-21844(1), Historical Architectural Review Board review is required

for new buildings in the Historic Overlay District (HOD) when more than one single-family dwelling is proposed.

The following table summarizes the proposed modification between what is required and what is proposed:

R-1-X-6.5	Required	Proposed	Modification
<i>Lot Area:</i>			
Parcel 1	6,500 square feet	6,173 square feet	Reduction of 327 square feet or 5%
Parcel 2	6,500 square feet	6,192 square feet	Reduction of 308 square feet or 4.7%
Parcel 3	6,500 square feet	11,037 square feet	None
<i>Lot Width:</i>			
Parcel 1	65 feet	56 feet	Reduction of 9 feet or 14%
Parcel 2	55 feet	56 feet	None
Parcel 3	55 feet	84 feet	None
<i>1st to 2nd Floor Ratio:</i>			
Parcel 1	75% (guideline)	86%	14% increase
Parcel 2	75% (guideline)	85%	13% increase
Parcel 3	75% (guideline)	79%	5% increase

Floor Area Mix: Because portions of the homes were designed with volume ceilings and larger (than minimum sized) two-car garages, the project does not meet the first to second floor ratios contained in the City's design guidelines for new two-story single-family homes. Staff believes the applicant has succeeded in designing homes with a balance of one and two-story elements. Porches and the use of various roof planes at differing heights provide a variety of building articulation throughout the proposed project which is consistent with the overall intent of the City's single-family residential design guidelines. The guidelines suggest that this requirement "will be adhered to more strictly with larger developments." Because the proposed project is small in size, and has a high level of aesthetically pleasing architectural details including porches, building articulation/modulation, balcony elements and two-tone wall colors, staff supports the floor area mix as proposed (in table above).

The applicant originally submitted the project in early 2006 as a Preliminary Review Procedure, well before the City's two-story design guidelines become effective in 2008. The homes have been substantially improved since then. Also, the homes were not designed to maximize the building footprints and overall lot FAR of 0.70.

Lot Area and Width:

The City's Zoning Ordinance established standards for design compatibility through the Planned Unit Development (PUD) and Subdivision Modification processes to consider the specific design attributes of a project, rather than general subdivision tract standards that are typically applied. The proposed lot width; lot size reductions; first to second floor area increases; and landscape planter width reduction would result in lot sizes and homes of similar sizes in the neighborhood. The project conforms to all other site development standards (e.g., set backs, height and floor area to lot size ratio). As a result, separation of the residences will be consistent with the surrounding area. Further, because Parcel 1, located adjacent to Washington Boulevard will be slightly narrower than the adjacent lots, the façade width of the residence will be narrower, thereby displaying less building massing as seen from the street.

The Hillside Combing District (H-I) ensures for orderly development of the City's hillside areas. The proposed project conforms to the hillside lot area, width, and development standards, as established in FMC Article 18.2, Hillside Combining District. The site is situated near the end of the western boundary of the H-I overlay district where the slope is relatively gentle compared to elsewhere on hillsides higher in elevation. See the *Grading & Drainage* section for additional discussion of the proposed grading plan's conformance with the H-I requirements.

The project site is bounded by one-and two-story single-family residences on the east side that are generally 1,800 to 2,900 square feet in size. Given these conditions, the proposed lot width and area reductions would result in parcels compatible with the surrounding area. The proposed construction of three single-family residences is consistent with General Plan density and the proposed lot width and area reductions would not have an adverse impact on the surrounding properties.

Parking:

All residences will have an attached two-car garage and a two-car driveway. Because the project is accessed by a private street that do not typically have on-street parking, the applicant has incorporated three centrally-located guest parking spaces located between Parcels 1 and 2. Additional guest parking will be available on each residence's driveway. Required parking will be provided at each residence within a two-car garage. The driveways for all homes will be enhanced with colored stamped concrete.

Design Analysis:

Open Space/Landscaping:

A total of twenty (20) trees, representing seven (7) species were evaluated in the arborist report prepared by Hortscience, Inc. in December 2006. All trees were planted as part of the previous residential landscape with the possible exception of the Black Walnut. The trees were rated from good to poor for their suitability for preservation. Two Canary Island Pine trees rated as good, six Monterey pine trees and eight Blue Gum Eucalyptus were rated moderate to poor. The Sweet Gum, Black Walnut and Hollywood Juniper were rated as moderate and the Mulberry was rated as poor.

The proposed development allows for the preservation of five (5) Blue Gum Eucalyptus but does not propose to preserve or relocate the other fifteen (15) existing trees. It is not feasible to relocate the two Canary Island Pines that are rated as good so staff is recommending mitigating the loss of these trees with two 48" box trees. The loss of the other thirteen (13) trees shall be mitigated with 24" box trees as is standard.

View Impacts:

The project site is located adjacent to a cul-de-sac developed single-family, one and two-story homes with mature landscaping and trees. There are views of the Fremont hillside above Mission San Jose from the project site. The proposed homes are generally of a similar size, height, and massing as existing homes in the vicinity. The architectural design and materials of the new homes are of a high quality that is compatible with the surrounding area. Construction of the new homes would not impact existing hillside views.

Circulation:

The three new residences will have access off Washington Boulevard from a new private street with two-way traffic. The private street shall provide for two way traffic onto the site, emergency vehicle access, on-site turnaround and 3 guest parking stalls. Parking is not allowed on the private street other than in the guset parking stalls. Washington Boulevard is a designated bikeway route. As such, on-

street parking on Washington Boulevard will not be allowed. Colored stamped concrete will also be located at the project's entrance and within an area near the guest parking spaces. Due to the low number of residences in the project, and the overall narrowness of the subject site, the project does not include a sidewalk within the development.

A shared driveway option was considered but it was determined to be unfavorable, due to the traffic and noise that is currently generated by the school. A new six-foot masonry wall will replace an existing six-foot fence that is located along the west property line.

Street Right-of-way Dedication and Improvements:

The project's frontage along Washington Boulevard is designated as an arterial roadway and consists of four lanes with a landscape median. The existing right of way width across the frontage to the eastbound on ramp to Interstate 680 is 112' feet. A 22' foot wide right of way dedication is required across the frontage to match the adjacent right of way dedicated by an adjacent residential development (Tract 2079). No street widening improvements are required at this time.

Noise:

The subject property backs up to Interstate 680 and therefore is exposed to elevated noise levels. The City's General Plan Policy HS 8.1.1 states that when the City determines that providing an outdoor Ldn (day-night average sound level) of 60 dB or lower cannot be achieved after the application of feasible mitigations, an Ldn of 65 may be permitted at the discretion of the City Council. General Plan policy HS 8.1.1 also states that indoor noise levels shall not exceed an Ldn of 45 dB in new housing units and noise levels in new residential development exposed to an exterior Ldn of 60 or greater should be limited to a maximum instantaneous noise level in bedrooms of 50 dB. Maximum instantaneous noise levels in other rooms should not exceed 55 db. A sound study prepared by Illingworth and Rodkin, in January, 2007, indicates that a sound wall that ranges from 12 to 14 feet in height will be required behind the residence to be located on Lot 3 in order to meet the 60 dBA Ldn within the rear yard. The sound wall will be constructed approximately 25 feet from the rear wall of the house, which is approximately 115 feet from the I-680 on-ramp, in order to meet City Standards. The windows facing the freeway will have Sound Transmission Class (STC) ratings of 35-40. The east and west facing windows are located 140 to 150 feet from the I-680 freeway on-ramp, will have STC ratings of 30-35. The future residence located on Parcel 3 shall include mechanical ventilation (air conditioning) as part of the home design as interior noise standards can only be met when windows are closed. All other homes can meet City standards without special construction techniques.

Grading & Drainage:

The project is designated as being in a Hillside Combining District. In conformance with the requirements and intent of the Hillside Combining District the project has been designed to fit the contours of the land, minimize grading of the building pads and reduce the size and height of retaining walls. The grading and drainage design keeps all stormwater runoff within the boundary of the project and transmits it to the private street and eventually to the public system in Washington Boulevard, approximately 100 feet to the west of the project site.

Urban Runoff Clean Water Program:

The Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit requires all new development to incorporate measures to prevent pollutants from

being conveyed in storm water runoff and into the public storm drain system. This project is required to comply with the NPDES permit by incorporating treatment measures into the project design.

The project will to meet the quantitative storm water treatment requirements by constructing flow through planters and an underground mechanical system. The project will also utilize pervious pavers located in the guset parking area. In order to conform to the quantitative performance criteria of the Countywide NPDES permit, the project may be required to incorporate additional treatment control best management practices, to treat storm water runoff. The storm water treatment design shall be integrated into the storm drain design for the project and shall be subject to review and approval of the City Engineer prior to Final Map approval.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. Because one single-family residence currently exists on the subject site, an impact fee credit will be given for one of the future new residences.

Environmental Review:

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to noise, biological, geotechnical and hydrology. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to less than significant levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure.

Mitigation measures:

Mitigation 1: Within 21 days prior to the anticipated start of tree trimming, excavation, and grading activities a qualified biologist shall conduct preconstruction surveys to identify nesting birds and raptors for the purpose of avoiding their destruction. A letter shall be provided to the City by the qualified biologist stating their findings. In the event that nesting raptors are found, the biologist shall include recommended measures for a work exclusion zone to prevent disturbance of the nesting birds until they are fully fledged. Such requirements for an exclusion zone and protective fencing shall be included on any permits issued for construction activities on the site.

Mitigation 2: An engineering peer review of geotechnical and soils studies are required at the building permit stage of the project, prior to the issuance of a building permit.

Mitigation 3: Prior to the issuance of a grading permit and building permits, an erosion control and stormwater pollution prevention plan shall be provided for review and approval that protects the steep slope and private creek located along the north side of the property.

Mitigation 4: Prior to issuance of the building permits, a plan indicating the STC rating for windows and wall assemblies and soundwall design specifications shall be submitted to the City for review and approval. The plan shall include certification of final details on construction techniques and materials

from a qualified acoustical consultant as meeting General Plan Health and Safety standards noise exposure levels of 45 dB Ldn in all habitable rooms and instantaneous noise levels of 50 dBA Lmax in bedrooms and 55 dBA Lmax in other habitable rooms. Mechanical ventilation shall be required when interior noise standards can only be met when windows are closed.

Preliminary findings for acoustical design include a sound wall ranging in height from 12 to 14 feet will be required at the rear of the house that will be built on Parcel 3 in order to meet the 60 dBA Ldn at the rear yard. The second floor windows facing the freeway shall have an STC rating of 35 to 40. The east and west facing windows (perpendicular to I680 freeway) shall have an STC rating of 30 to 35. Sound rated wall construction may also be required, as well as special details for all penetrations (ie; attic vents). In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 51 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on February 18, 2009 A Public Hearing Notice was published by The Tri-City Voice on February 18, 2009.

Neighborhood Comment:

On Wednesday, February 18, 2009, the applicant held a neighborhood meeting. One neighbor attended the meeting had a concern as to whether the proposed residences would block sunlight into her rear yard. After viewing the project plans, she indicated she was in favor of the project.

ENCLOSURES:

Exhibits:

- Exhibit "A" Mitigated Negative Declaration and Mitigation Monitoring Program
- Exhibit "B" Site plan, floor plans, elevations, and landscape plan for PUD2007-117, Vesting Tentative Parcel Map 9278, Private Street, Preliminary Grading Plan
- Exhibit "C" Findings and conditions of approval for PUD2007-117, Vesting Tentative Parcel Map 9278, Private Street, Preliminary Grading Plan

Informational Items:

1. Initial Study

Supplemental Hearing Materials:

2. Color and Material Boards

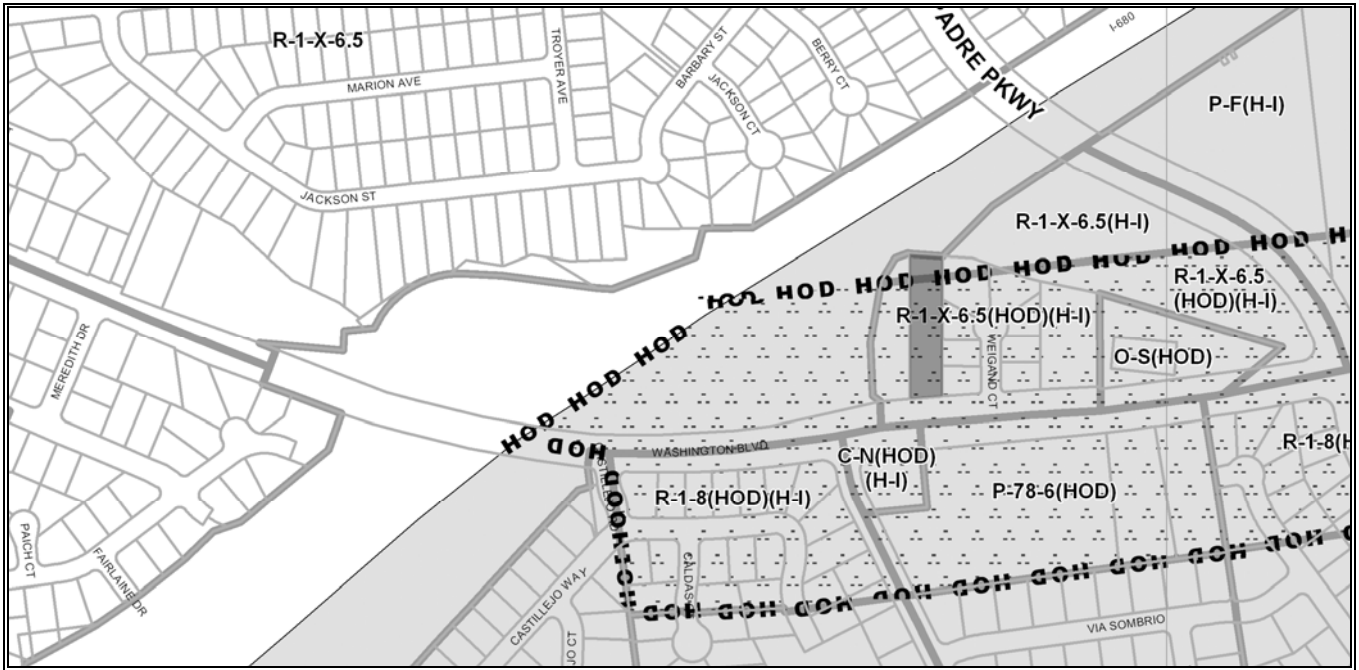
RECOMMENDATION:

1. Hold public hearing.
2. Recommend that Planning Commission adopt Mitigated Negative Declaration and Mitigation Monitoring Plan and find these actions reflect the independent judgment of the City of Fremont.

3. Recommend that Planning Commission find PLN2007-00117 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report. The project conforms to the goals and objectives of the General Plan.
4. Recommend that Planning Commission approve PLN2007-00117, as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

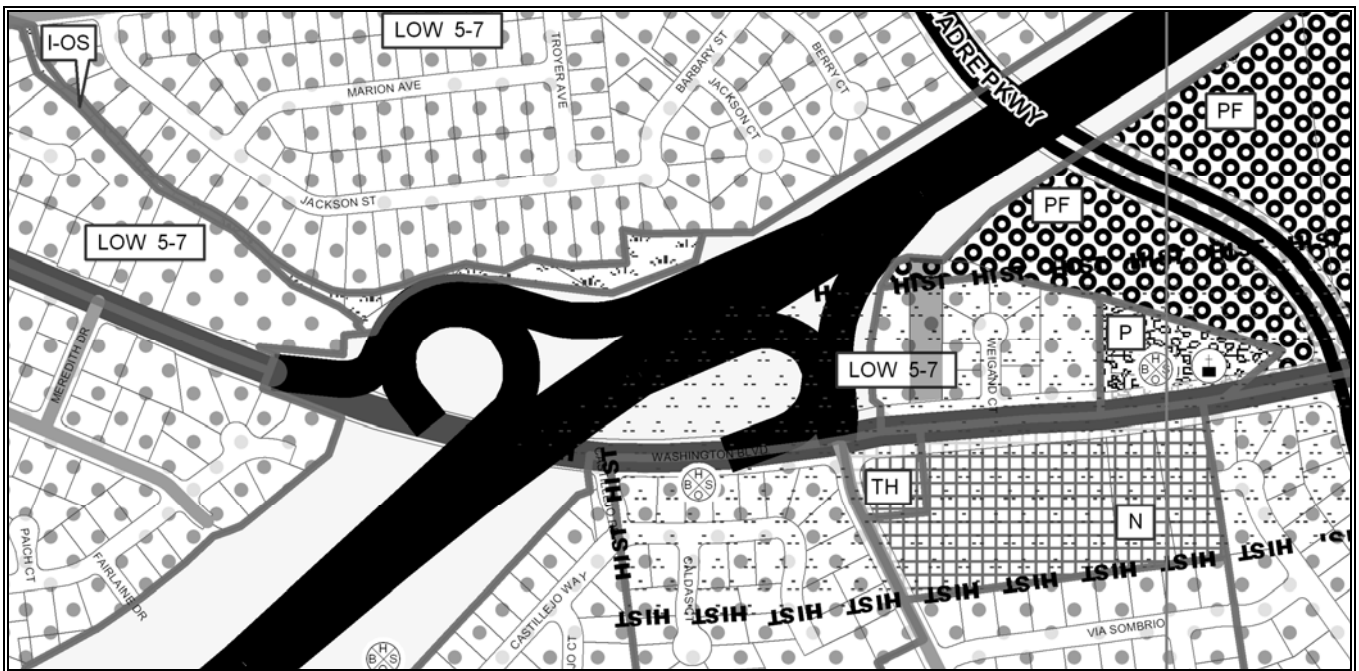


Exhibit "C"
PLN2007-00117
Washington Development PUD2007-117, Vesting Tentative Parcel Map 9278, and
Modification to Subdivision Regulations Findings and Conditions of Approval

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Historical Architectural Review Board dated March 5, 2009, incorporated hereby:

Findings for Planned Unit Development PUD2007-117:

- (a) That the applicant of the Planned Unit Development have demonstrated that the project can be substantially completed within 4 years from the date of approval for the scope of work required to complete the development of three, two-story single-family homes.
- (b) That the proposed planned unit development conforms to the goals, objectives, and policies of the general plan's Land Use, Housing, and Open Space Chapters in terms of location and standards of development. The project would conform to the General Plan density requirements and would provide site, architecture, and landscape design of a high quality that would ensure for compatibility with the surrounding area;
- (c) That the streets and arterials proposed are suitable and adequate to carry anticipated traffic. The proposed project would not create any new public streets. The project fronts onto an existing arterial roadway (i.e., Washington Boulevard).
- (d) That the proposed uses will not generate traffic in such amounts as to overload the street network outside the project area in that only two (2) additional dwelling units (demolition of existing unit, and the construction of three new units) will be added to the neighborhood; and
- (e) That existing or proposed utility services are adequate for the uses and for the population densities proposed in that the increase in utility service demand from the additional home is minimal.

Findings for Vesting Tentative Parcel Map 9278 and Preliminary Grading Plan:

- (a) The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance because the procedural requirements of the Map Act are being followed and the proposed lots substantially conform to the standards set forth in the Subdivision Ordinance;
- (b) The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plans since the proposed project conforms with the low density residential requirements, five to seven dwelling units per acre, of the General Plan, as well as the Goals and Policies enumerated in the staff report;
- (c) The site is physically suitable for the type or proposed density of development in that the subdivision will create three new lots with adequate land area to support a standard-sized single-family home with sufficient setbacks and useable private yard space;

- (d) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the minor nature of the project is such that it will not generate significant environmental impacts;
- (e) The design of the subdivision or the type or improvements is not likely to cause serious public health problems since the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies;
- (f) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision in that they will be required to comply with current City codes and standards;
- (g) Because the subject site is an infill parcel surrounded by built-out parcels, lot widths are constrained and the Modification to the Subdivision Ordinance for a reduction to lot width is warranted.
- (h) The proposed project will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance. The proposed project is an infill parcel that will be graded to conform to the surrounding development;
- (i) The proposed project will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. Appropriate standards for development and storm water Best Management Practices (BMP) are required and will be implemented into the project consistent with the goals of the Alameda Countywide Clean Water Program, including standard practices to address stormwater runoff standards for compliance with City NPDES requirements and erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system and natural watercourses during and after construction;
- (j) The proposed development is located within a special seismic studies zone for potential landslides. A geotechnical report was prepared by Geotechnical Engineers, Inc., and approved by the City's geotechnical peer reviewer. GEI has determined that the site is suitable for the proposed development based on their recommendations;
- (k) The proposed project will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont. The proposed project would result in three, two-story, single-family residences located in a single-family neighborhood comprised both one and two-story homes. The proposed project would function similarly to residential uses in the surrounding area;

CONDITIONS OF APPROVAL:

GENERAL CONDITIONS:

1. The approval of PLN2007-00117 shall conform to Exhibit "B" (Site Plan, Floor Plans, Elevations and Landscape Plan), and all the conditions of approval set forth herein. This Planned Unit Development, PLN2007-00117, entitles the construction of three new single-family dwellings.
2. Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code, this Planned District and other associated approvals.
3. Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Planning Director or Director's designee if such modifications are in keeping with the architectural statement of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Planning Commission review.
4. No exterior additions or modifications including the addition of pre-manufactured sunrooms, shall be permitted to the six new residences located on Lots 1 to 6. The CC&R's shall include a statement regarding this provision.
5. A lighting plan, submitted in conjunction with a photometric plan, shall be subject to the review and approval of the Planning Division during the Development Organization review process. All lighting shall be architectural consistent with the design of the buildings. In compliance with the Fremont Municipal Code, lighting will be reviewed to avoid substantial light or glare that may have an impact on day or nighttime views in the area. Light shields will be required to direct the light and avoid nuisance light. All light fixtures shall be high quality with concealed lighting elements so that the light bulb is not visible. All pole light locations shall be coordinated with the placement of trees to eliminate conflicts between the trees and lights and so that the light is not blocked by the growth of the trees.
6. The applicant shall provide six (6) foot high, lattice top, privacy fencing and gates to provide privacy and security for each home. Final design of the fencing and gates shall be subject to review and approval during the Tract Improvement Plan Review process.
7. The retaining wall located adjacent to the west and north sides of Lot 1 shall be moved to provide a minimum six (6) foot clear planting area between the back of curb and retaining wall to allow for the planting of trees and to improve sight distance. The privacy fence for Lot 1 shall be placed on top of this retaining wall.
8. The final design, material selection and color treatment of the retaining walls and sound walls shall be subject to review and approval during the Tract Improvement Plan Review process.
9. Provide a three (3) foot wide sound proof door in the sound wall in the backyard of Lot 3 to allow for access from the backyard into the open space.

10. The design team shall work with staff on the creation of decorative concrete paving along Mascot Drive and in the parking area. Decorative paving shall not be placed within the City of Fremont right of way dedication. Decorative pavement shall be design for a thirty (30) year life and to withstand the impact of weekly garbage truck traffic. The decorative pavement area shall be increased from what is shown on the plan to provide for a stronger design and more durable pavement edges. Final design of the decorative paving shall be subject to review and approval during the Tract Improvement Plan Review process.
11. The design of the stormwater treatment planters shall be integrated with the overall landscape design so that they are a landscape amenity. Pervious pavers shall also be utilized within the guest parking area. The final design of the stormwater treatment planters shall be subject to review and approval during the Tract Improvement Plan Review process.
12. To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving and/or landscaping shall be completed as soon as feasible to reduce the time bare surfaces and soils are exposed. Dust emissions during construction will be minimized through the application of water required by the project specifications.
13. Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to a non-significant level.
14. High quality, decorative garage doors shall be used on all units. The use of standard steel doors are unacceptable.
15. All new residences shall be pre-wired with exterior junction boxes to provide satellite dish cable connections. In addition, all bedrooms, including the living room, shall be pre-wired with phone and cable connections. No external wiring of these utilities shall be permitted.
16. The applicant shall explore the possibilities of incorporating technologies and practices of green building, using recycled content material, reuse of materials, waste reduction, and among others. The project goal should be to achieve 50 points needed to be considered by the Alameda County Waste Management Authority of a green building development.
17. The applicant shall utilize integrated solar roof tiles into each residence. The tiles shall be place on the south-facing side of the roofs to maximize the effectiveness of this amenity.
18. Prior to the issuance of any permit for vertical construction, the applicant shall provide a roadway access to the site with an all-weather surfacing and water supply with a minimum flow rate of 1,000 gallons per minute.
- 19; The developer shall dedicate 22' feet of right-of-way for Washington Boulevard across the project frontage.

20. A minimum six-foot wide public service easement shall be dedicated along the Washington Boulevard frontage of the project site. Project entry and monument signs and walls shall not be located within the public service easement.
21. Grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
22. The applicant shall provide an erosion control plan, as part of the project plans, subject to review and approval by the City Engineer.
23. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
24. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
25. The project plans shall be designed in accordance with the approved geotechnical report. Grading shall be supervised by an engineer registered in the State of California to do such work.
26. The Project Geotechnical Engineer shall be retained to review and approve the final grading plans and specifications prior to permit issuance.
27. The minimum drainage slope in earthen swales shall be 1.5%.
28. The minimum drainage slope in vegetated swales shall be 1.5%, when constructed with a subdrain system. Minimum 2% drainage slope shall be used if no subdrain is installed. Minimum requirements are subject to revision by the City Engineer upon receipt and review of soil drainage data from the project geotechnical engineer.
29. All retaining walls shall be limited to a maximum exposed height of three feet. All retaining walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated wood retaining walls (including "kicker boards") will be allowed for retaining walls 12-inches or less in height.
30. The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer. Drainage calculations shall be submitted with the grading and drainage plans for the project.
31. The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District. Drainage calculations shall be submitted with the grading and drainage plans for the project.
32. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.

33. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement.
34. The CC&Rs for the project shall include a disclosure statement to all property owners indicating that the project site is located within a seismic landslide hazard zone. The disclosure statement shall indicate that the buildings have been designed to current code requirements. The disclosure statement shall also indicate that the buildings, site improvements, and utilities are subject to damage during an earthquake and that the buildings may be uninhabitable after an earthquake. This CC&R disclosure statement is subject to review and approval of the City Engineer prior to final map approval.

TENTATIVE MAP CONDITIONS OF APPROVAL:

35. The project shall conform to Exhibit "C" (Vesting Tentative Parcel Map 9278 & Private Streets), all conditions of approval set forth herein, and the conditions of approval of Planned Unit Development (PLN2007-00117).
36. Approval of this Vesting Tentative Parcel Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act. This tentative map shall expire twenty-four (24) months after the date of tentative map approval unless tentative map extensions are approved in accordance with the Subdivision Map Act.
37. The final map and subdivision improvement plans shall be submitted to the Engineering Division for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
38. The subdivision improvement plans shall include storm water treatment plans and calculations that comply with Planned Unit Development (PLN2007-00117) and that identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
39. The provided Storm Water Control Plan is approved in concept only. Final approval is subject to the developer providing the necessary plans, details, and calculations that demonstrate the plan complies with the Alameda Countywide NPDES Municipal Stormwater Permit, subject to City Engineer approval prior to recording the final map.
40. The applicant shall dedicate right-of-way and provide complete street improvements for the internal street with a right-of-way of 26' feet and a pavement width of 20' feet.
41. Common area subdivision improvements, private streets, and all other subdivision improvements owned or maintained by the property owners association are subject to review and approval by the City Engineer prior to final map approval. Such improvements include, but are not limited to all improvements on Common Lot A including, pavement, curb, gutter, landscaping and irrigation. The developer shall bond for these improvements in accordance with FMC 8-1426.
42. The proposed project design require the demolition of the existing single family residence located on the site. The existing building encroaches over proposed property lines and proposed

building setbacks and should be demolished or relocated, prior to approval of the final parcel map.

43. A demolition permit shall be required from the Building Department prior to demolition of the existing building.
44. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
45. Existing overhead utilities within the subdivision boundary shall be removed. Utilities to remain shall be relocated underground in appropriate utility easements. Existing overhead utilities include, but are not limited to an overhead service and utility pole to the existing residence on the site. The new utility locations are subject to review by the City Engineer.
46. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Parcel Map 9278.
47. Pursuant to Government Code Section 66474.9, the Subdivider, or any agent thereof, or successor thereto, shall defend, indemnify, and hold harmless the City of Fremont, its officials, employees or agents (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul, the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.
48. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance. An impact fee credit shall be given for one of the new residences, since one house currently exists on the project site.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

PRIVATE STREET CONDITIONS OF APPROVAL:

49. This Private Street (PLN2007-00117) is being conditionally approved based on the accuracy of the information shown on Exhibit "B" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the

City, such inaccuracy may be cause for invalidating this approval. Approval of Private Street (PLN2007-00117) shall become effective upon final parcel map approval.

50. The applicant shall dedicate right-of-way and install complete street improvements for the internal private streets as shown on the tentative map.
51. The private street name is subject to modification prior to final map approval.
52. Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
53. The developer shall dedicate emergency vehicle access easements (EVAE) over the clear pavement width on private streets within the subdivision. The easement geometry shall be subject to the approval of the City Engineer.
54. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
55. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and Private Street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
56. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
57. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
58. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final parcel map approval or agree to improve within one year of final parcel map approval, the private streets within the subdivision. No permanent improvement work is to commence until

improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. Improvements to be constructed include, but are not limited to: Curb and gutter, driveways, street paving, private street monuments, electroliers (wired underground), drainage facilities, signs, and fire hydrants.

59. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
60. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide a minimum maintained foot-candle level of 0.12.
61. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
62. A Homeowners Association or any other mechanism acceptable to the City is to be established and formed in conjunction with the project CC&R's and is to covenant and be responsible for the maintenance of all commonly owned facilities, including landscaping and private vehicle access ways, which are not maintained by the public utility agency, except that all maintenance work resulting from backfill failure is to be the responsibility of the homeowners association (after the one-year warranty period.) The developer is to be responsible for maintenance of all facilities during the one-year warranty period.
63. Developer is to provide a complete set of construction plans to the Homeowners Association at the time of its formation.
64. On-site private streets are to be posted for "No Parking," except in those areas designed to accommodate on-street parking, as shown on the tentative map and planned district site plan.
65. The connection between the private vehicle access way and the public street is to be by a standard driveway.
66. Pursuant to FMC Section 8-1510, the development policy for private vehicular access ways and private street standards shall be observed.
67. Approval of Private Street (PLN2007-00117) shall become effective upon final map approval.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

68. The project shall conform to Exhibit "A" (Preliminary Grading Plan) and all conditions of approval set forth herein.

69. Approval of this preliminary grading plan shall terminate 24 months from the date of approval by the Planning Commission.
70. The project shall conform to Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Tentative Parcel Map 9278, Private Street, and Planned Unit Development (PLN2007-00117).
71. Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of tentative parcel map 9278. Approval of this Preliminary Grading Plan shall terminate upon the expiration of tentative parcel map 9278.
72. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
73. A stockpile-grading permit may be issued for this project. The location and size of the stockpile and retention basins may vary from what is indicated on Exhibit "B", subject to review and approval of the City Engineer.
74. The concept storm water treatment measures, as shown on the preliminary grading plan (Exhibit "A", Sheet 5), are for informational purposes only and are not being approved as part of the preliminary grading plan.
75. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission, subject to approval of the City Engineer.

Landscaping Conditions:

76. As mitigation for the removal of two (2) Canary Island Pine trees, the project shall include a two 48" box Fruitless Olive trees to be planted along Washington Boulevard behind the walkway.
77. As mitigation for the removal of the remaining thirteen (13) existing trees on-site, the project shall include a minimum of an equal number (13) of 24" box size trees.
78. The landscape plan shall provide for a separate irrigation system for the areas to be irrigated and maintained by the Home Owners Association. The areas to be maintained by the Home Owners Association shall include the front and side yards adjacent to the driveway for each lot, stormwater treatment facilities, the planter along the west property line from Washington Boulevard to the private sideyard gate of Lot 3 and the area between Washington Boulevard and the garage of Lot 1.
79. Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
 - a. Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b. Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.

- c. Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
80. All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail Street Tree Clearances.
81. Screening elements and/or appropriate landscaping shall be provided for all ground-level mechanical/utility equipment and appurtenances.
82. Landscape plans shall be submitted with Final Map Improvement Plans for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, and (3) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a. A Layout Plan to illustrate the design of all hardscape elements including walls, fences, light locations, at grade or above grade utility boxes and vaults, walkways and decorative pavement.
 - b. An automatic underground irrigation plan utilizing low flow, durable, irrigation equipment that limits overspray onto pavement, walls and fences. Irrigation system shall be designed to require minimum maintenance.
 - c. Construction details of raised planters, walkways, paths, benches, walls, fences and other architectural features as appropriate to the project.
 - d. A Tree and Utility Coordination Plan
83. The final Building Permit plans as approved through the Development Organization review process shall include, as reference, the Landscape Plans approved through Tract Improvement Plan Review.
84. The final landscape plans shall be prepared by a licensed landscape architect and shall be submitted at a minimum scale of 1"=10' to match the civil plans and for greater legibility. The design shall be refined so that the plants specified can grow to maturity within the space provided and that the maximum amount of turf shall not exceed 25% of the irrigated landscape area. Final design of the landscape plans shall be subject to review and approval during the Tract Improvement Plan Review process.
85. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.

Environmental Services Conditions:

86. Municipal solid waste (MSW) collection service is required for all occupied residential properties, and is provided by Allied Waste Services (AWS) on an exclusive franchise basis.

Recyclables and yard waste collection is mandatory for single family residences, and is provided by Allied Waste Services. Contact AWS at (510) 657-3500 to arrange for service.

87. Single family residential dwelling units shall include a minimum of six (6) cubic feet for indoor storage of solid waste and recyclable material (i.e., under the kitchen sink or in a pantry). A minimum of three (3) cubic feet (undivided) shall be provided for storage of trash and a minimum of three (3) cubic feet (undivided) shall be provided for storage of recyclable material.
88. Single family dwelling units with a garage shall include a minimum of 18 square feet of garage floor space with 48" height clearance for internal storage of one trash cart, one recycling cart, and one yard waste cart. Only two carts are shown in the garages. The storage space does not need to be contiguous. If sufficient garage space is not available in a dwelling unit for storing garbage and recycling carts, residents must have unrestricted access to the same amount of exterior storage in the side or back yards. A grass or all-weather surface should be provided to smoothly roll the carts between the cart storage area and set out area in front of the dwelling unit. The minimum storage area for garbage and recycling carts is in addition to the area required by the Planning department. Garbage and recycling carts that are stored outdoors must always be screened from public view, except on collection days.
89. There must be enough space in front of the house on the street side for setout of three wheeled carts. This external storage must be in an area that will not result in blocking the street, driveways, or sidewalks (FMC Sec. 8-2756 (a) 7).
90. The applicant must submit a Waste Handling Plan prior to beginning any demolition or construction. Environmental Services will review the Waste Handling Plan and may recommend alternative disposal methods for the materials. The Plan must be received and reviewed by Environmental Services before permits are issued.
91. Upon completion of the work, the applicant must file a Waste Disposal & Diversion Report, documenting actual diversion and disposal and of construction and demolition debris, along with receipts and weight tags.
92. Recycling of construction and demolition debris is an important environmental concern to the City of Fremont. This project will generate large amounts of debris that should be recycled, including scrap metal, drywall, wood, concrete/asphalt and roofing material. Please refer to the *Builders' Guide to Reuse & Recycling* to help identify potential service providers and facilities.
93. The applicant may contract with any recycling company licensed to do business in Fremont for salvage or recycling of construction and demolition materials. Separated material destined for recycling may not contain more than 10% by weight of solid waste or other non-recyclable material (FMC IV, Ch 2, 4-2303).
94. Plant and tree debris shall not be mixed with other wastes. Plant, tree debris and clean wood waste shall be chipped on site or taken to a grinding/composting facility.
95. The contractor must ensure that non-recyclable construction and demolition debris (trash) is removed from the site per the Fremont Municipal Code, using one or more of the following methods (FMC IV, Ch 2, 4-2300):

- a. Contacting the City's franchised waste hauler, Allied Waste Services, to arrange for use of roll off drop boxes or debris box containers for all materials to be landfilled;
- b. Removal from the premises by the construction or demolition contractor, using their own equipment and vehicles, as part of a total construction, remodeling or demolition service offered by that contractor.

Fire Prevention Conditions:

96. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire and City of Fremont Municipal Codes in effect at the time of building permit application.
97. The applicant shall install an N.F.P.A. 13-D residential fire sprinkler system without exceptions allowed complying with local amendments.
98. Public fire hydrant head assemblies within 500 ft of site to be a Clow Model 860 or equivalent. Underground fire service to be provided with cathodic protection or soils report stating what level of protection is required.
99. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.

Hazardous Materials Unit:

100. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
101. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

Payment of City Fees:

102. The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, park dedication in-lieu fee, fees for fire protection, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. An impact fee credit shall be given to the applicant for one of the new residences, because one house currently exists on the project site.

During Construction Conditions (Conditions that must be satisfied during construction.)

103. A professional engineer, registered in the State of California, shall be retained to prepare the final grading plan. Upon completion of the grading, a letter shall be submitted to the Development Organization that the as-built grading is in compliance with the approved grading plan.
104. Prior to the inspection of the roof sheathing, the project manager or supervising general contractor shall contact the Development Organization at (510) 494-4561 for an interim inspection by Planning Division staff of the structure to ensure that the construction is consistent with the approved architecture and building design.
105. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice board (format and content specified by City) conspicuously placed adjacent to the most visible right of way for the duration of the construction activity as follows:
 - a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed

Final Occupancy Conditions (Must be satisfied prior to occupancy.)

106. A professional engineer registered in the State of California shall be retained to prepare a final grading plan, and upon the completion of the grading submit to the Development Organization a statement that the as-built grading conditions do not deviate from the approved plan by more than one foot of vertical elevation, subject to the review and approval of staff prior to the issuance of occupancy permits for each structure.
107. The project landscape architect shall submit a letter to the City certifying that the on-site and streetscape (ROW) landscaping have been constructed in conformance with the approved landscape and irrigation plan, subject to the review and approval of the Development Organization.

End of Conditions

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HARB STAFF REPORT MARCH 5, 2009

Project:	G, I & J STREET STREETScape PROJECT – (PLN2009-00120)
Proposal:	To consider the proposed streetscape improvements on G, I and J Street between Niles Boulevard and 2nd Street in the Niles Planning Area.
Recommendation:	Approve, subject to conditions of approval.
Location:	G, I and J Street (between Niles Boulevard and 2nd Street) in the Niles planning area. (See aerial photo next page)
People:	Ahmed Aly, City of Fremont, Engineering Division, Applicant Jeanne Suyeishi, City of Fremont, Engineering Division, Applicant Josh Huber, City of Fremont, Redevelopment Project Manager Momo Ishijima, Staff Planner (510) 494-4531; mishijima@fremont.gov
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project in accordance with the California Environmental Quality Act.
General Plan:	Community Commercial, Medium Density Residential (6.5 to 10 dwelling units/acre), and Fremont Register of Historic Resources
Zoning:	C-C(HOD) Community Commercial District with Historical Overlay District and R-1-8(HOD) Single Family Residential District with Historical Overlay District

EXECUTIVE SUMMARY:

The proposed project is streetscape improvements on G, I and J Street between Niles Boulevard and 2nd Street in the Niles Planning Area. The project site is located in the Niles Redevelopment Area. Improvements include: street reconstruction; sidewalk widening; curb, curb ramp and gutter installation; landscaping; decorative lighting and furniture installation; and on-street parking reconfiguration.

Historical Architectural Review Board (HARB) review is required for streetscape improvement projects in the Historic Overlay District (HOD) pursuant to Fremont Municipal Code (FMC) Section 8-21844(a)(6) to determine if the changes are compatible. Staff recommends the Historical Architectural Review Board approve the proposed streetscape project.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Community Commercial [Niles Town Plaza, parking]
- South: Medium-density Residential 6.5-10 DU/AC
- East: Medium-density Residential 6.5-10 DU/AC, Community Commercial
- West: Medium-density Residential 6.5-10 DU/AC, Community Commercial

SETTING, BACKGROUND AND PREVIOUS ACTIONS

The project site is located in the historic Niles railroad junction point. The Niles commercial district is situated along the railroad corridor on Niles Boulevard and on the side streets to the south between F and J Street. The Niles commercial district is characterized by a semi-rural main street quality with a pedestrian oriented storefront commercial frontage. The streets are of grid pattern with outward views across the railroad to the hills to the north and tree-lined residential streets to the south.

The project site is adjacent to the following Fremont Register of Historic Resources: Ellsworth Building (121 I Street), Fremont Bank Building (37611 Niles Boulevard), Odd Fellows Building (37695 Niles Boulevard), Silva Building (37713 Niles Boulevard), Essanay Bungalow (37374 2nd Street) and the Niles Courthouse (37702 2nd Street). The project site is also adjacent to potential register resources such as the Niles Library (150 I Street) and Dominici Rental Flats (185 J Street). Services such as the Niles Library and Post Office are situated on I and J Street. The proposed new Fire Station #2 is located at 37299 Niles Boulevard on the northwest corner of Niles Boulevard and G Street.

In 1998, streetscape improvements were completed on Niles Boulevard with the widening of sidewalks; curb, curb ramp and gutter installation; decorative lighting and furniture installation; and on-street parking reconfiguration.

City street pavement condition is measured by Pavement Condition Index (PCI), which defines PCI 100 as a brand new street, and 0 as a failed street. Pavement condition between 0 to 20 is considered “very poor.” According to the City of Fremont Pavement Condition Index (PCI) Listing, G Street has a PCI of 12, I Street is 16 and J Street is 17. These streets are in critical need of reconstruction and improvements. There are no storm drain facilities on I and J Street. Overhead power lines exist on each street with “cobra head” (a streamlined modern fixture) lights attached to the poles.

A community meeting was held on December 17, 2008 at the Veteran’s Memorial Building in Niles. Eighteen community members as well as several City staff members were in attendance. The community generally expressed support of the project with some concerns raised related to project specifics and timeline, lighting and landscaping. [Notes from the meeting are available as Informational Item 1]

PROJECT DESCRIPTION

The proposed project is streetscape improvements on G, I and J Street between Niles Boulevard and 2nd Street in the Niles Planning Area. Improvements include: street reconstruction; sidewalk widening; curb, curb ramp and gutter installation; landscaping; decorative lighting and furniture installation; and on-street parking reconfiguration.

Method of Construction: The street reconstruction will require excavation of G Street for a depth of 12 inches and 15 inches on I and J Street. New storm drain inlet locations are proposed for G Street. New storm drain facilities, including inlets and underground storm drainage pipes, will be installed on I and J Street. All existing driveway approaches will be replaced. Existing street trees that are in conflict with the proposed plans will be removed.

The project will be phased with road closures and construction on half blocks of G, I and J Street to Iron Horse Lane. Work will be completed before the start of work on the other half blocks. Each phase is expected to take one week.

G Street Detail: The project area on G Street is approximately 320 linear feet and 25,600 square feet. On G Street, the sidewalk width will remain 10 feet on both the east and west side between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from the existing 7 feet to 8 feet on both the east and west side of the southern half block from Iron Horse Lane to 2nd Street.

Streetscape improvements on G Street include six new street trees. Two will be planted in street pop outs on the southern half block adjacent to Iron Horse Lane and four will be planted in tree wells. Two additional street trees will be planted in tree wells in front of the new fire station as part of the fire station construction project. A steel bench, ornamental planters and a trash receptacle will be installed adjacent to the new fire station. Eight new street lights will be installed as part of this project and two additional street lights will be installed as part of the fire station construction project.

I Street Detail: The project area on I Street is approximately 400 linear feet and 31,400 square feet. The sidewalk width will remain 15 feet on the west side and increase from 11 feet to 12 feet on the east side of the northern half block between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from 12 feet to 13 feet on the east side and from 11 feet to 13 feet on the west side of the southern half block from Iron Horse Lane to 2nd Street. The project proposes new sidewalk, curb and gutter installation along the I Street frontage of the Fremont Register of Historic Resources, Niles Courthouse at 37702 2nd Street. The sycamore trees are proposed to be retained and protected during construction.

Streetscape improvements on I Street include 12 new street trees. The project proposes two large street trees to be planted in street pop outs flanking Iron Horse Lane on the west side. Ten trees will be planted in tree wells. A steel bench, ornamental planters and a trash receptacle will be installed adjacent to the Fremont Bank Building. Twelve new street lights will be installed.

J Street Detail: The project area on J Street is approximately 400 linear feet and 29,600 square feet. On J Street, the sidewalk width will be increased from 7.5 feet to 13 feet on the east and 12 feet to 13 feet on the west side of the northern half block between Niles Boulevard and Iron Horse Lane. The sidewalk width will increase from 11.5 feet to 13 feet on the east side and 12 feet to 13 feet on the west side of the southern half block from Iron Horse Lane to 2nd Street. Streetscape improvements on J Street include 15 new street trees. The project proposes two large street trees to be planted in street pop outs flanking Iron Horse Lane on the east side. Thirteen trees will be planted in tree wells. Steel benches, ornamental planters, and a trash receptacle will be installed adjacent to the Odd Fellows (Macau Cultural Center) building. Twelve new street lights will be installed.

Scale and proportion of Improvements: The street widths for G, I and J Street are non-conforming to existing City standards because the 300-foot central blocks and alleys of Niles date back to the late 1880's and before the City's incorporation in 1956. G Street has a street width of 60 feet and I and J Street are 80 feet wide. A City standard detail for a residential street has a street width of 54 feet with 5-foot sidewalks and 6-foot landscape strips. The City standard details for an urban street with parallel parking has a street width of 76 feet with 14-foot sidewalks including 5.5-foot tree wells and an urban street with 45-degree diagonal parking has a street width of 98 feet with 14-foot sidewalks including 5.5-foot tree wells. The proposed sidewalk widths deviate from the City standards in that on G Street, the sidewalk width is 10 feet with tree wells instead of landscape strips on the northern half block between Niles Boulevard and Iron Horse Lane. On the southern half block between Iron Horse Lane and

2nd Street, the sidewalk width is 8 feet with 6-foot tree wells instead of landscape strips. On the northern half block of I Street, the sidewalk width is historically generous at 15 feet on the west side and will be increased to 12 feet on the east side. On the southern half block of I Street and on J Street, the sidewalk widths will be increased to 13 feet. On both I and J Street at the intersection of 2nd Street, new curb ramps will be installed on all four corners of the intersection.

Landscape elements: The project proposes tree protection of four sycamore trees on I Street adjacent to the Niles Courthouse. Nine street trees on J Street, including one Fan Palm, one tree of an unknown species and seven Purple Leaf Plum, are proposed to be removed. These trees will be replaced with a total of 33 (plus two new trees next to the new fire station) new street trees. Six will be London Plane Sycamore and 27 will be Eastern Redbud, which are the same tree species incorporated in the Niles Town Plaza landscape design. Six sycamore trees will be planted in pop outs flanking or adjacent to Iron Horse Lane. There is no ground cover proposed in the pop outs. The project design includes a 1.5 foot gap between the face of the sidewalk curb and the face of the pop out to allow for storm drain water flow over the gutters. The other street trees will be planted in 6 feet by 6 feet tree wells with cast iron tree grates with 18-inch tree openings.

Illumination: The proposed decorative lighting is a 14-foot tall dual-head hooded street light. The material is aluminum painted with a matte finish. The proposed exterior light fixtures will be hooded down and glare-free to adjacent properties. Lighting will be of like type, material and color to the existing lighting on Niles Boulevard.

Street furniture: Four-foot wide green steel benches, 3.5 foot high black steel trash receptacles and 2.5 foot wide buff beige pre-cast concrete planters are proposed for the project. All furniture installation will be of like type, material and color to the existing furnishings on Niles Boulevard.

Parking: Parking will be reconfigured and re-striped on G, I and J Street. Some of the existing on-street parking spaces are informal and not to City standards. On-street parking on G Street will be reduced from 18 parallel parking spaces to 15 parallel parking spaces. On-street parking on I Street will be reduced from 31 parking spaces to 25 parking spaces to accommodate pop outs for the large street tree installation and due to restriping of parking spaces with standard size stalls. On-street parking on J Street will be reduced from 33 parking spaces to 22 parking spaces to accommodate sidewalk widening and pop outs for the large street tree installations. The project results in a total reduction of 20 on-street parking spaces.

Project Analysis

General Plan Conformance: The existing General Plan land use designation for the northern half block of G Street is Community Commercial. The southern half block on G Street has a residential land use designation and is the only section of the project with this land use designation. I and J Street have land use designations of Community Commercial. The following General Plan goals and policies from the Housing, Land Use, Public Facilities and Transportation Chapters are applicable to the proposed project:

- GOAL H 1: Conservation and enhancement of existing residential neighborhoods

Analysis: Streetscape improvements on the southern half block of G Street will enhance the existing residential neighborhood. Improvements include the replacement of cracked and buckled sidewalks and

installation of new street trees. This area will be a new gateway to the tree-lined streetscape of the existing residential district to the south. The installation of new lighting will improve safety and visibility on the street.

- POLICY LU 2.15: Four Historic Districts – Community Commercial developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks and crossings, and linking building entrances to adjacent building entrances and activity centers where appropriate.

Analysis: The proposed project will enhance the safety and convenience of the pedestrian experience in Niles by widening and improving sidewalks, linking the sidewalks in locations where there are none, adding landscaping and lighting and re-configuring the parking to standard size parking spaces.

- GOAL PF 3: Water, sewer, and flood control systems designated to serve the level of development contemplated in the General Plan.

Analysis: The proposed project relocates storm drain inlets on G Street and installs new storm drain facilities on I and J Street in conformance with the General Plan.

- POLICY T 1.1.3: Maintain roadways in good condition.

Analysis: Pavement Condition Index (PCI) for G Street is 12, I Street is 16 and J Street is 17. These streets are in critical need of reconstruction and improvements.

- POLICY T 1.1.4: A roadway system in the historic community commercial centers should service these areas but not encourage through traffic that disrupts pedestrians, bicyclists and transit users.
- Implementation 1: Implement the above policy by establishing appropriate roadway widths, design standards and traffic controls in proposed design and development plans for the City's historic community commercial centers in Irvington, Niles, Centerville and Mission San Jose. Roadway design standards in these areas may not be consistent with typical roadway standards for streets of similar classification elsewhere in the City.

Analysis: Niles Boulevard and 2nd Street area are part of a traditional grid pattern for access to the project area. The improvements and design standards enhance pedestrian access.

Niles Concept Plan Conformance: The Niles Concept Plan (2001) encourages strengthening of retail frontage and building presence and enhancement of the pedestrian experience with additional landscaping. The following Niles Concept Plan policies are applicable to the proposed project:

- POLICY LU-2: Promote and maintain a pedestrian-oriented commercial environment along Niles Boulevard and the lettered side streets (to Second Street) within the district.
- POLICY CD-9: Provide attractive landscaping along Mission Boulevard and the lettered side streets off of Niles Boulevard.

Analysis: The proposed streetscape design will implement the Concept Plan policies with improvements to sidewalk width, landscaping, on-street parking arrangement, lighting and street furnishings.

Niles Design Guidelines and Regulation Conformance: The Niles Design Guidelines and Regulation (2002) encourages the strengthening of pedestrian scale and small town character. The following guideline is applicable to the proposed project:

- 11. LANDSCAPING: Intent – “Historic preservation in the Niles Historic Overlay District applies equally to its planted heritage. New development in the district shall take existing significant trees in to consideration and design around them. ~ Landscape design should be appropriate to its context in the Niles Historic District Overlay. ~”

Analysis: The project proposes tree protection of four sycamore trees on I Street. Nine street trees on J Street, including one Fan Palm, one tree of an unknown species and seven Purple Leaf Plum, are proposed to be removed. These trees will be replaced with a total of 33 new street trees. Six will be London Plane Sycamore and 27 will be Eastern Redbud, which are the same tree species incorporated in the Niles Town Plaza landscape design.

Niles Redevelopment Plan Conformance: The Niles Redevelopment Plan (1998) identifies several objectives applicable to the proposed project:

- Objective 5: The improvement of safe and convenient pedestrian and bicycle circulation throughout the Project Area, including the renovation or modification of alleys, as appropriate.
- Objective 12: The development of a harmonious unified streetscape in the historic business district of Niles, including lighting, signage, street trees and furniture, and other design elements.

Analysis: The proposed design elements, such as the lighting and street furnishings, are the same as the Niles Boulevard streetscape improvements completed in 1998. The extension of these design elements in addition to the sidewalk widening and landscape enhancements contribute to the development of a harmonious and unified streetscape in the historic Niles business district.

Zoning Conformance: The existing zoning designation for the project site is as follows. The northern half block of G Street has a zoning designation of C-C(HOD). The southern half block on G Street has a zoning designation of R-1-8(HOD) and is the only section of the project with this zoning designation. I and J Street have zoning designations of C-C(HOD).

Historic Overlay District (HOD): In accordance with Fremont Municipal Code (FMC) Section 8-21844(a)(6), Historical Architectural Review Board (HARB) review is required for streetscape improvement projects in the HOD to determine if the changes are compatible. HOD requires development within the area to preserve, enhance, promote, and expand the unique cultural and historic identity of the area.

Design Analysis

In accordance with California Environmental Quality Act, the City must analyze whether there could be a “substantial adverse change” in the significance of an historical resource. Generally, projects that follow the Secretary of the Interior’s Standards are considered as culturally mitigated to a level of less than a significant impact upon historical resources. Therefore, the City uses the Secretary of Interior’s Standards for Rehabilitation while reviewing entitlements allowing transitions to other compatible uses

for historic resources through repair, alterations and additions in order to preserve those portions or features that convey its historical, cultural, or architectural values. The following Secretary of the Interior Standards for Rehabilitation should be considered in relation to this project:

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Analysis: The frontage of the Niles Courthouse along I Street has no sidewalk, curb or gutter. However, these elements do exist along 2nd Street. The project continues the familiar pattern of 2nd Street along I Street. The installation of a new sidewalk, curb and gutter will not materially impair the physical characteristics of the resource that conveys its historical significance. The project includes measures to preserve the four existing sycamore trees adjacent to the structure and will extend the pedestrian access down I Street to 2nd Street. Any historic utility fixtures will be preserved or recycled to the extent possible.

Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Analysis: No known significant paleontologic or archeological resource has been identified in the project area. As a condition of approval, in the event of discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to contain adjacent remains. The Alameda County Coroner will be contacted and will make a determination as to whether the remains are Native American. If the coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased. If no satisfactory agreement can be reached as to disposition of the remains pursuant to State law, the remains will be buried and any associated items on the property in a location not subject to further subsurface disturbance.

Grading and Drainage: There will be improvements in runoff water where the existing streets have ponding and water drainage problems. A new storm drain facility will be installed on I and J Street and connected to the existing Alameda County Flood Control and Water Conservation District facility on 2nd Street. Storm drain inlets will be relocated on G Street.

Parking: There are two public parking lots on the north side of Niles Boulevard with 176 parking spaces. According to the Niles District Parking Study prepared by Meyer, Mohaddes Associates in 2003, there are 206 on-street parking spaces in the Niles Study District, which includes the commercial district on Niles Boulevard and the lettered streets, G through J Street. Since the study occurred, there are three parking spaces lost on Niles Boulevard due to the construction of the new fire station. The project site includes eight additional parking spaces on G Street which were not included in the Niles Study District because the land use designation south of Iron Horse Lane on G Street is residential. The total combined number of parking spaces, surface and on-street including the loss of 20 parking spaces with this project, is 367 parking spaces.

The Study concluded that the mid-day peak parking demand was 171 on a weekday and 202 on a Saturday. Although the study was conducted six years ago, there have not been any significant developments or changes in the retail mix in the Niles District and the day to day parking patterns and demands appear to be unchanged. The Niles Plaza is currently under construction between H and I

Street on Niles Boulevard and the anticipated demand for parking at peak use of the plaza was determined to be 183 parking spaces. The reduction of 20 parking spaces through the implementation of the project is not expected to make a significant impact on parking supply and safe circulation of vehicles. As such, the proposed parking reduction will not have a significant impact on the adjacent properties or roadways.

Environmental Review

An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impact to Air Quality. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. The mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impact is provided within the Initial Study for the project, which is included as an enclosure.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 649 notices were mailed to owners and occupants of property within 1,000 feet of the site east, west and south of the Niles Boulevard. The notices to owners and occupants were mailed on February 18, 2009. A Public Hearing Notice was published by The Tri-City Voice on February 18, 2009.

ENCLOSURES:

Exhibits:

- A. Draft Mitigated Negative Declaration and Mitigation Monitoring Plan
- B. Site plan, landscape plan and elevations
- C. Conditions of Approval

Additional Exhibit Item at HARB Meeting:

- D. Color and Material Sample Board

Informational Item:

- 1. Comments from December 17, 2008 Community Meeting
- 2. Initial Study

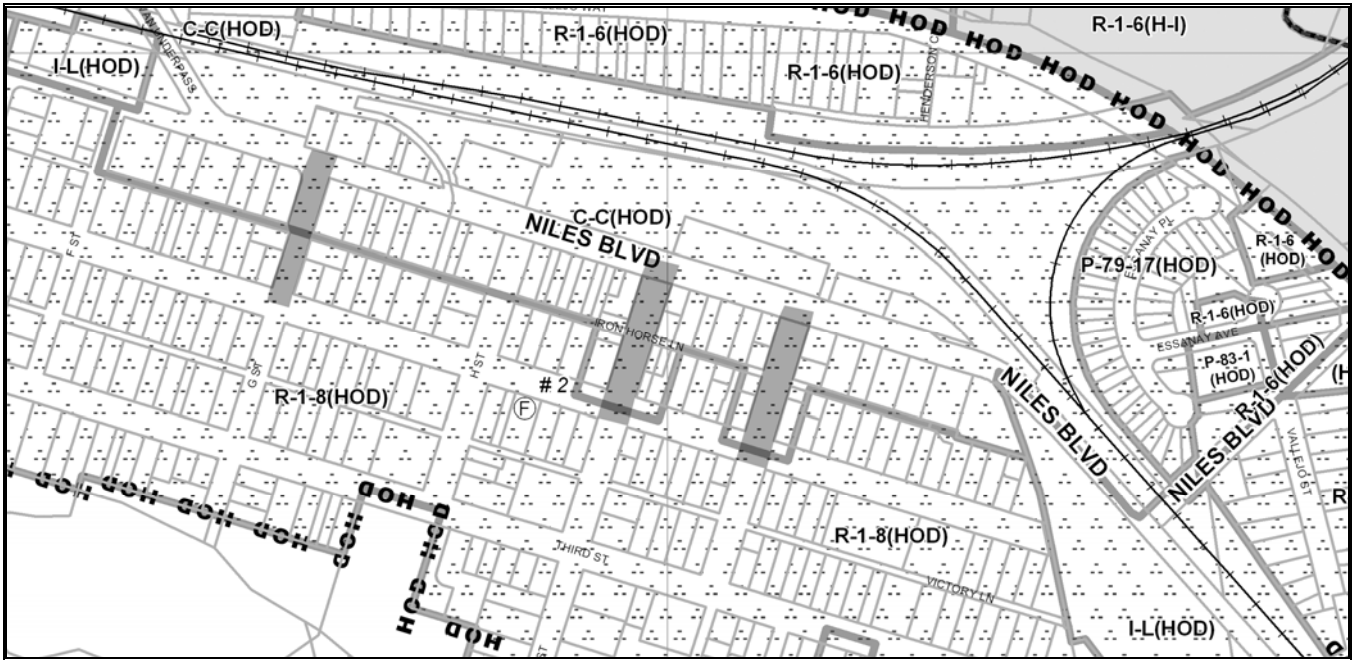
RECOMMENDATION:

- 1. Hold Public Hearing
- 2. Adopt Mitigated Negative Declaration and Mitigation Monitoring Plan, as shown on Exhibit "A", and find these actions reflect the independent judgment of the City of Fremont.

3. Find the streetscape improvement project is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing, Land Use, Public Facilities and Transportation Chapters as enumerated within the staff report. The project conforms to the goals and policies of the Niles Concept Plan. The project conforms to the guidelines of the Niles Design Guidelines. The project conforms to the objectives of the Niles Redevelopment Plan.
4. Approve the streetscape improvement project, as shown on Exhibit "B", subject to conditions on Exhibit "C".

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

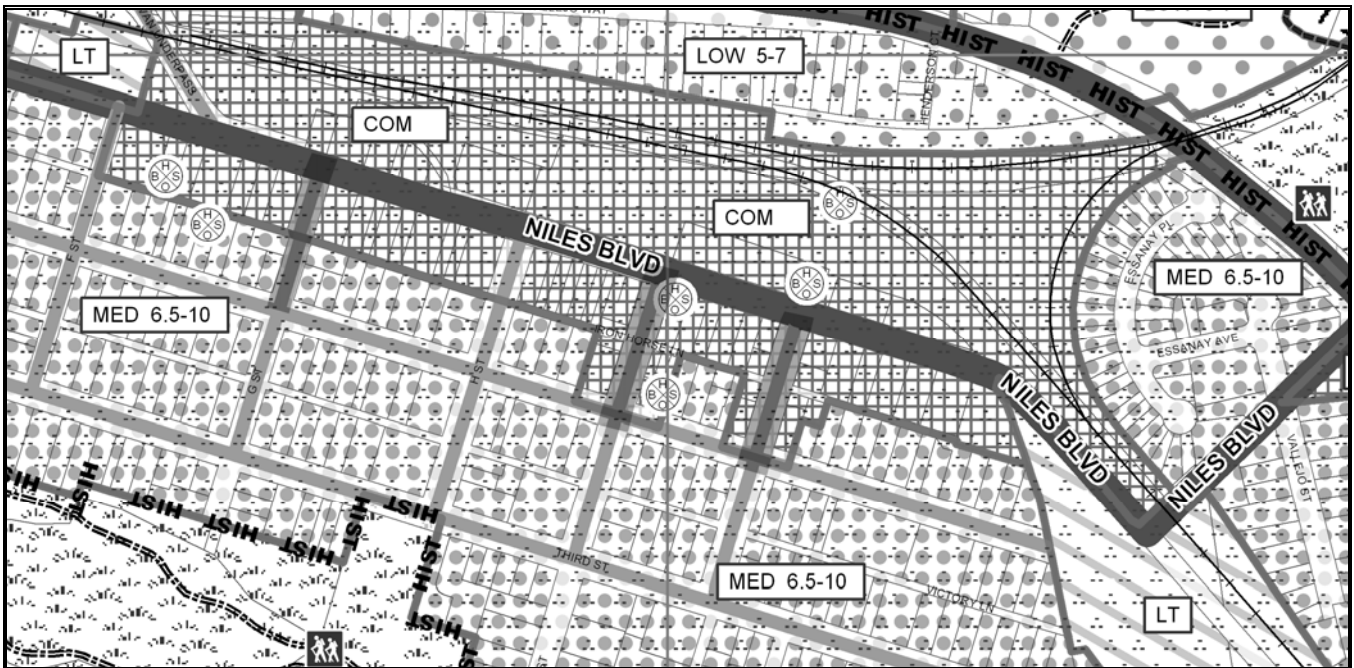


EXHIBIT "C"
G, I & J STREET STREETScape PROJECT (PLN 2009-00120)

CONDITIONS OF APPROVAL

1. The project shall conform to Exhibit "B" (site plan and elevations) and the Fremont Municipal Code and all conditions of approval set forth herein.
2. Minor modifications to the approved design may be made, subject to review and approval of the Planning Director if such modifications are in keeping with the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including a Historical Architectural Review Board review.
3. Mitigation Measure #1 – Dust Control:
Prior to issuance of a permit, the following measures shall be included in a dust control plan and noted on construction plans with the contact information for a designated contact person responsible for the on-site implementation of the dust control plan.
 - a. Water all active construction and site preparation work areas at least twice daily and more often during windy periods.
 - b. Cover all hauling trucks or maintain at least two (2) feet of freeboard on all loads.
 - c. Pave, apply water at least twice daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas.
 - d. Sweep daily with water sweepers all paved access roads, parking areas, and staging areas, and sweep streets daily with water sweepers if visible soil material is deposited onto adjacent roads.
 - e. Enclose or securely cover all exposed stockpiles.
 - f. Replant vegetation in disturbed areas as quickly as possible.
4. In the event of discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to contain adjacent remains. The Alameda County Coroner will be contacted and will make a determination as to whether the remains are Native American. If the coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased. If no satisfactory agreement can be reached as to disposition of the remains pursuant to State law, the remains will be buried and any associated items on the property in a location not subject to further subsurface disturbance.